

# United States District Court

MIDDLE

DISTRICT OF

ALABAMA

UNITED STATES OF AMERICA

v.

BENIGNO VALENCIA-GALVAN

CRIMINAL COMPLAINT

CASE NUMBER:

1:07mj 41-TFM

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 13, 2007 in Houston county, in the Middle District of Alabama defendant(s) did, (Track Statutory Language of Offense)

**being an alien, knowingly re-enter the United States after having been deported subsequent to an aggravated felony, without obtaining the permission of the Secretary of Homeland Security or the Attorney General of the United States,**

in violation of Title 8 United States Code, Section(s) 1326(b)(2).

I further state that I am a(n) ICE Officer and that this complaint is based on the following facts:  
Official Title

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

April 13, 2007

Date

at Montgomery, Alabama

City and State

TERRY F. MOORER, U.S. Magistrate Judge

Name and Title of Judicial Officer

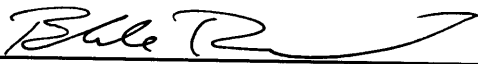
Signature of Judicial Officer

AFFIDAVIT

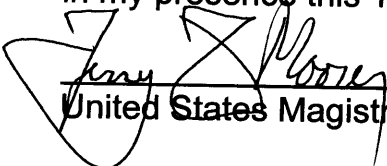
I, Blake Diamond, hereby make the following statement under penalty of perjury. I am employed as an agent of Immigration and Customs Enforcement, an agency within the Department of Homeland Security, under the control of the executive branch of the government of the United States of America. I have been employed in law enforcement for approximately eight (8) years. The information provided in this affidavit is personally known to your affiant and provided to your affiant by other law enforcement officers.

An investigation conducted by your affiant and information provided to your affiant determined the following:

- (1) On April 13, 2007, Trooper Curtis Coachmen contacted this agent and advised that a Hispanic male, Benigno Valencia-Galvan, had presented himself to the Alabama Department of Public Safety in Dothan, AL seeking to replace/renew his driver's license. The Trooper stated that once he had received the subject's personal information, he verified that on September 10, 1998, the subject had been convicted in the Circuit Court of Montgomery County, Alabama on a violation of 13A-12-231, Trafficking in Controlled Substances, a felony.
- (2) On April 13, 2007, your affiant received confirmation that the suspect had been deported from the United States to Mexico on September 15, 2001. Your affiant has further confirmed that the suspect has not received permission of the Secretary of Homeland Security or the Attorney General of the United States to enter in or be in the United States.
- (3) Based on the foregoing, it is my belief that probable cause exists to believe that the suspect has committed a felony offense pursuant to Title 8, USC, Section 1326(b)(2), Reentry by an Aggravated Felon.

  
\_\_\_\_\_  
Blake Diamond  
Supervisory Special Agent, ICE  
Affiant

Sworn to before me and subscribed  
in my presence this 13<sup>th</sup> day of April, 2007.

  
\_\_\_\_\_  
United States Magistrate Judge